

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7318**

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GREN MONEZ GARRETT,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director, Virginia Department of Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (CA-98-1231)

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Submitted: November 18, 1999

Decided: November 24, 1999

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Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gren Monez Garrett, Appellant Pro Se. Daniel John Munroe, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Gren Monez Garrett seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999). Garrett's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Garrett that failure to file timely objections to this recommendation would waive appellate review of a district court order based upon the recommendation. The only objection filed by Garrett concerned his claim that he was denied his right to self-representation. Although Garrett's objection was untimely, the district court nevertheless considered it on the merits and denied relief. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and, for the reasons stated by the district court, find no reversible error. See Garrett v. Angelone, No. CA-98-1231 (E.D. Va. Sept. 17, 1999).\*

As for the remaining claims, the timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation

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\* Although the district court's order is marked as "filed" on September 17, 1999, the district court's records show that it was entered on the docket sheet on September 20, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).

when the parties have been warned that failure to lodge specific objections will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Garrett has waived appellate review of his remaining claims by failing to file objections after receiving proper notice. We accordingly deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED